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ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/8/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EZRA TESSEMA,

Plaintiff,

-against-

ENVIRONMENTAL PROTECTION AGENCY,

Defendant.

1:20-cv-9700 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On June 29, 2021, the Court dismissed with prejudice Plaintiff's Complaint for lack of subject matter jurisdiction. [ECF Nos. 31, 32]. Plaintiff timely appealed. [ECF No. 34]. On February 8, 2022, the Second Circuit dismissed the appeal. [ECF No. 38]. However, because this Court dismissed Plaintiff's claims under the Federal Tort Claims Act for lack of subject matter jurisdiction, dismissal of his claims should have been without prejudice. [ECF No. 38]. As such, the Second Circuit remanded for the Court to modify the judgment to reflect that the dismissal of Plaintiff's complaint is without prejudice. [ECF No. 38].

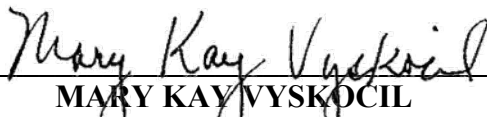
Therefore, IT IS HEREBY ORDERED that the dismissal of Plaintiff's Complaint is without prejudice.

The Clerk of Court is respectfully requested to modify the judgment to reflect that Plaintiff's Complaint is dismissed without prejudice.

The Clerk of Court is also respectfully requested to mail a copy of this Order to the *pro se* Plaintiff at the address of record.

SO ORDERED.

**Date: February 8, 2022
New York, NY**


MARY KAY VYSKOCIL
United States District Judge